

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

Janet Malam,

Petitioner-Plaintiff,

Case No. 20-10829

and

Judith E. Levy

Qaid Alhalmi, *et al.*,

United States District Judge

Plaintiff-Intervenors, Mag. Judge Anthony P. Patti

v.

Rebecca Adducci, *et al.*,

Respondent-Defendants.

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ORDER REQUIRING RESPONSE

On October 23, 2020, Defendants informed the Court that an additional 13 detainees and two staff members tested positive for COVID-19 at Calhoun County Correctional Facility (“CCCF”), with several tests still pending at that time. E-mail from Jennifer L. Newby, Assistant U.S. Att’y, to Cassandra J. Thomson, Law Clerk to Judge Judith E. Levy (October 23, 2020, 09:52 EST) (on file with the Court). In light of this news, the Court scheduled an emergency hearing to hear

testimony regarding the extent of the surge in COVID-19 cases at CCCF, facility conditions, and current precautionary measures implemented in response. (ECF No. 351.)

On October 26, 2020, an emergency hearing was held by video conference and oral argument was heard. For the reasons set forth on the record, the Defendants are ordered to submit a response indicating the proposed plan to address the current risks posed to the individuals currently detained at CCCF that the parties agree are at heightened risk for severe illness or death from COVID-19. If time permits, Defendants' response should address any plans for testing, single-cell detainment, and provision of personal protective equipment ("PPE") for these individuals. Defendants' response will also address how ICE will ensure that CCCF is aware of those individuals that the parties agree are at heightened risk of a dire outcome or death if they contract COVID-19. The response is to be submitted by no later than 5:00pm on Tuesday, October 27, 2020.

Additionally, Plaintiffs are permitted to submit a motion outlining their proposed amendments to the bail application process in light of this increase in COVID-19 cases at CCCF. The motion is to be submitted by

no later than 11:59pm on Wednesday, October 28, 2020. Defendants are permitted to file a response by no later than 11:59pm on Friday, October 30, 2020.

IT IS SO ORDERED.

Dated: October 27, 2020
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 27, 2020.

s/William Barkholz
WILLIAM BARKHOLZ
Case Manager